9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

1	Christian Gabroy
	Nev. Bar No. 8805
2	Kaine Messer
	Nev. Bar No. 14240
3	Gabroy Messer
	The District at Green Valley Ranch
4	170 South Green Valley Parkway
	Suite 280
5	Henderson, Nevada 89012
	Tel. (702) 259-7777
6	Fax. (702) 259-7704
	christian@gabroy.com
7	kmesser@gabroy.com
	Attorneys for Plaintiff
8	_

UNITED STATES DISTRICT COURT DISTRICT OF NEVADA

VICTOR AGUIRRE-VILLANUEVA, individually and on behalf of all others similarly situated;

Plaintiff

VS.

HMB LLC d/b/a and a/k/a SERVEHZAH BOTTLE SHOP AND TAP ROOM; EMPLOYEE(S)/AGENT(S); DOES 1-10; and ROE CORPORATIONS 11-20, inclusive,

Defendants

Case No.: 2:23-cv-01001-CDS-MDC

STIPULATION AND ORDER
TO DISMISS CLASS
CLAIMS WITHOUT
PREJUDICE

Plaintiff Victor Aguirre-Villanueva ("Plaintiff") and Defendant HMB LLC d/b/a and a/k/a Servehzah Bottle Shop and Tap Room ("Defendant") (together the "Parties"), by and through their respective counsel of record, pursuant to the amicable resolution achieved at mediation (see ECF No. 15) and in compliance with the January 30, 2024 Order of this Court (see ECF No. 16), hereby provide this Joint Status Report and furthermore stipulate to a dismissal without prejudice of Plaintiff's class and collective action claims (see ECF No. 1-1, pp. 10-12, 16).

Accordingly, the Parties agree to and stipulate as follows:

2728

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

1.	On May 30, 2023,	Plaintiff filed his	Complaint with	Jury Demand. E0)F
No. 1-1.					

- 2. On June 29, 2023, Defendant filed its Notice of Removal from the District Court of Clark County, Nevada, to the United States District Court for the District of Nevada. (ECF No. 1.)
- 3. On June 30, 2023, Defendant filed its Answer to Plaintiff's Complaint. (ECF No. 5.)
- 4. As previously indicated, at the January 10, 2024 mediation, and with the assistance of mediator Hon. Elizabeth Gonzalez (Ret.), the parties achieved amicable resolution on an individual basis. (ECF No. 15.)
- 5. The parties worked together in good faith regarding the necessary settlement papers and the ensuing settlement agreement was fully executed and exchanged on February 29, 2024.
- As part of the agreement reached by the parties, Plaintiff's class and 6. collective action claims are hereby dismissed without prejudice.
- 7. As further part of the agreement, exchange of settlement funds regarding Plaintiff's individual claims are due no later than fourteen (14) days following entry of this proposed Order.

///

As further part of the agreement, the parties shall file a stipulation and

2	order to dismiss with prejudice Plaintiff's remaining individual claims no later than				
3	seven (7) days from Plaintiff's receipt of the settlement funds.				
4					
5	Dated this 1st day of March 2024.	Dated this 1st day of March 2024.			
6	Respectfully submitted,	Respectfully submitted,			
7	Gabroy Messer	LEWIS ROCA ROTHGERBER CHRISTIE LLP			
8	/s/ Christian Gabroy	/s/ John McCormick-Huhn			
9	Christian Gabroy Nev. Bar No. 8805	Jennifer K. Hostetler Nev. Bar No. 11994			
10	Kaine Messer Nev. Bar No. 14240	John McCormick-Huhn Nev. Bar No. 15961			
11	The District at Green Valley Ranch 170 South Green Valley Parkway	3993 Howard Hughes Parkway Suite 600			
12	Suite 280 Henderson, NV 89012	Las Vegas, NV 89169 jhostetler@lewisroca.com			
13	christian@gabroy.com kmesser@gabroy.com	jmccormick-huhn@lewisroca.com Attorneys for Defendant			
14	Attorneys for Plaintiff				
15					
16	ORDER				
17	Based on the parties' stipulation, plaintiff's collective and class action claims (ECF No.				
18	1-1 at 9–12 (¶¶ 45–70)) are dismissed without prejudice.				
19	IT IS HEREBY ORDERED that the exchange of settlement funds regarding plaintiff's				

IT IS FURTHER ORDERED that the parties must file a stipulation of dismissal as to

plaintiff's remaining claims no later March 26, 2024.

UNITED STATES DISTRICT JUDGE

Dated: March 4, 2024

28

27

20

21

22

23

24

25

26

individual claims are due by March 19, 2024.

8.

1